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REMARKS

Claims 1-4, 15-27, 32, 33, 36, 37, 48, and 49 are pending in the present application. It is noted that the identification of the pending claims in the Office Action of June 7, 2004 appears to be incorrect in that it merely lists some of the pending claims, i.e., those claims that were not withdrawn from consideration. Applicants also note that claim 27 has been included as a pending claim and should not be canceled or withdrawn from consideration because it reads on the elected species and is comparable in scope to allowed claim 33.

By the present amendment, claims 5-14, 28-31, 34, 35, and 38-47 have been canceled. Claims 36, 37, 48, and 49 have been amended. Each of the pending claims reads upon the elected species and recites subject matter previously indicated allowable in the Office Action of June 7, 2004.

Regarding the objections to claims 36, 37, 48, and 49, these claims recite subject matter that clearly falls in unique statutory classes of invention that differ from the statutory class of invention recited in the analogous claims noted in the Office Action. Specifically, claim 36, which was objected to as being substantially identical to claim 32, clearly recites the structure of a "programmable controller" while claim 32 merely recites a "computer readable medium" with no reference to the structure of a "programmable controller." Similarly, claim 37, which was objected to as being substantially identical to claim 33, also clearly recites the structure of a "programmable controller" while claim 32 merely recites a "computer readable medium" with no reference to the structure of a "programmable controller." Applicants respectfully submit that the claims cover distinct subject matter. For example, a CD-ROM bearing a program as recited in claims 32 or 33 would directly infringe claims 32 and 33 but would not directly infringe claims 36 or 37 because claims 36 and 37 call for a programmable controller - structure not present in or on a CD-ROM.

An analogous case can be made for claims 48 and 49, which claims have been objected to as being substantially identical to claim 1. Specifically, claims 48 and 49

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clearly recite, outside of the preamble, the structure of a "computer-readable medium" (claim 48) and a "programmable controller" (claim 49). In contrast, claim 1 recites a method of calculating structural stress and makes no reference to a "computer-readable medium" or a "programmable controller."


Applicants note that the amendments of claims 36, 37, 48, and 49 have not narrowed the scope of the claims and have merely been introduced to satisfy the examiners preference for avoiding the recitation of structure in a preamble of a claim.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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